

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8728

IN THE MATTER OF:

Served May 19, 2005

YAI MEDICAL TRANSPORTATION, L.L.C.,)
Suspension and Investigation of)
Revocation of Certificate No. 779)

Case No. MP-2005-09

This matter is before the Commission on respondent's response to Order No. 8529, served January 25, 2005, noting the suspension of Certificate No. 779.

Under the Compact, a certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.¹ Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 779 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 779 became invalid on January 20, 2005, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 8529 noted the automatic suspension of Certificate No. 779 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 779, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 779. Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on March 24, 2005. The effective date of the new endorsement is February 23, 2005. This means that respondent was without insurance coverage for thirty-three days, from January 20, 2005, through February 22, 2005.

The record shows that respondent operated on January 20, 27 and 28. Respondent's owner, Nicolas Yai Weil, claims that he thought the insurance company had "fixed the problem," but no corroborating correspondence or other documentation has been offered to validate this claim. On the contrary, the record indicates that Commission staff contacted Mr. Weil by telephone on January 18 and informed him that the replacement endorsement had not been filed and that if one was not filed the following day he would have to suspend operations.

A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation; each day of the

¹ Compact, tit. II, art. XI, § 7(g).

violation constitutes a separate violation.² The Commission may suspend or revoke all or part of any certificate of authority for willful failure to comply with a provision of the Compact, an order, rule, or regulation of the Commission, or a term, condition, or limitation of the certificate.³

Respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 779, for conducting operations under an invalid/suspended certificate of authority in violation of the Compact, Article XI, Section 6(a),⁴ and Commission Order No. 8529.

THEREFORE, IT IS ORDERED:

1. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent for knowingly and willfully violating Article XI, Section 6(a), of the Compact and Commission Order No. 8529.

2. That respondent shall have thirty days to show cause why the Commission should not suspend or revoke Certificate No. 779 for respondent's willful failure to comply with Article XI, Section 6(a), of the Compact and Commission Order No. 8529.

3. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND MILLER:



William S. Morrow, Jr.
Executive Director

² Compact, tit. II, art. XIII, § 6(f).

³ Compact, tit. II, art. XI, § 10(c).

⁴ Section 6(a) provides: "A person may not engage in transportation subject to this Act unless there is in force a 'Certificate of Authority' issued by the Commission authorizing the person to engage in that transportation."